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*Attorneys for Defendant
Costco Wholesale Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----	X	
S.D.,	:	
	:	
<i>Plaintiff,</i>	:	
	:	Civil Action No. 20-cv-14930
vs.	:	
	:	DEFENDANT COSTCO WHOLESALE
COSTCO WHOLESALE, INC.; AND ABC	:	CORPORATION'S NOTICE OF
CORPS (I – V); AND JANE AND JOHN	:	REMOVAL
DOE INDIVIDUALS (1 – 10),	:	
	:	
<i>Defendants.</i>	:	
-----	X	

TO: Clerk of the Court
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 2020
Trenton, New Jersey 08608

PLEASE TAKE NOTICE that Defendant Costco Wholesale Corporation (“Costco” or “Defendant”) (incorrectly named in the Complaint as “Costco Wholesale, Inc.”), by its attorneys, Seyfarth Shaw LLP, and pursuant to 28 U.S.C. §§ 1332 and 1441, hereby files this Notice of Removal with respect to the case identified as *S.D. v. Costco Wholesale, Inc., et al*, Docket No. SOM-L-001114-20 (“the State Court Action”), from the Superior Court of New Jersey, Law Division, Somerset County. In support of this Notice, Costco states as follows:

I. TIMELINESS OF REMOVAL

1. On September 25, 2020, Plaintiff S.D. (“Plaintiff”) filed a Complaint in the State Court Action. A true and correct copy of the Complaint is annexed hereto as **Exhibit A**. On September 26, 2020, Plaintiff filed an Amended Complaint (“Am. Compl.”) in the State Court Action, which was served on Costco on September 30, 2020. A true and correct copy of the Amended Complaint and Affidavit of Service is annexed hereto as **Exhibit B**.

2. Costco has filed no pleadings in the State Court Action.

3. Since Costco has filed this Notice of Removal within thirty (30) days of service of the Amended Complaint, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

II. BASIS FOR REMOVAL

4. The basis for removal is diversity of citizenship under 28 U.S.C. § 1332 in that:

- a. Plaintiff is a citizen of the State of New Jersey (Am. Compl. ¶ 1); and
- b. Costco is a citizen of the State of Washington in that it is a corporation incorporated under the laws of the State of Washington and has its principal place of business in the State of Washington.

5. In determining whether a civil action is removable on the basis of diversity jurisdiction under 28 U.S.C. § 1332, the citizenship of defendants sued under fictitious names shall be disregarded. 28 U.S.C. § 1441(b)(1).

6. Accordingly, this action is one in which none of the parties in interest properly joined and served as a defendant is a citizen of the state in which the action was brought. 28 U.S.C. § 1441(b).

7. Costco believes in good faith that the amount in controversy in this matter exceeds \$75,000.00, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). Specifically, in

the relief requested, Plaintiff seeks, among others: (1) compensatory damages, (2) punitive damages, and (3) attorneys' fees. (*See* Am. Compl. Counts One through Three, Wherefore Clauses). These items collectively would exceed \$75,000 if Plaintiff were to prevail at trial.

8. Because diversity of citizenship exists under 28 U.S.C. § 1332(a)(1) and the amount in controversy exceeds \$75,000, as required by 28 U.S.C. § 1332(a), this case falls within the original jurisdiction of this Court and is subject to removal on diversity grounds.

9. This Notice of Removal is being filed in the United States District Court for the District of New Jersey, Trenton Vicinage as this is the district court vicinage within which the Superior Court action is pending. 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1446, Costco will file written notice of the filing of this Notice of Removal, together with a copy of the Federal Notice of Removal, with the Clerk of the Superior Court of New Jersey, Law Division, Somerset County. Costco will also serve a copy of the notice filed with the Superior Court of New Jersey on counsel for all adverse parties.

11. By filing this Notice of Removal, Costco does not waive any defenses available at law, in equity or otherwise.

WHEREFORE, Costco respectfully requests that the above-referenced civil action proceed in the United States District Court for the District of New Jersey, Trenton Vicinage as an action properly removed thereto.

Dated: October 23, 2020

Respectfully submitted,
SEYFARTH SHAW LLP

By: /s/ Ephraim J. Pierre

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2020, a true and correct copy of the foregoing NOTICE OF REMOVAL WITH EXHIBITS A THROUGH B, AND CIVIL COVER SHEET, were electronically filed with the Clerk of the District Court and served upon the Attorney for Plaintiff at the following address via FedEx overnight mail:

Walter Dana Venneman, Esq.
Gill & Chamas, L.L.C.
665 Florida Grove Road
P.O. Box 760
Woodbridge, NJ 07095

Attorney for Plaintiff S.D.

/s/ Ephraim J. Pierre

Ephraim J. Pierre